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SENATE BILL 901

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO WATER; PROVIDING FOR CHANGING THE POINT OF  
DIVERSION OF DOMESTIC WELLS TO WELLS OWNED AND OPERATED BY  
CERTAIN WATER ASSOCIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 72-12-7 NMSA 1978 (being Laws 1931,  
Chapter 131, Section 7, as amended) is amended to read:

"72-12-7. CHANGE OF LOCATION OF WELL--CHANGE IN USE ON  
APPLICATION--TEMPORARY CHANGE.--

A. The owner of a water right may change the  
location of [~~his~~] a well or change the use of the water, but  
only upon application to the state engineer and upon showing  
that the change will not impair existing rights and will not be  
contrary to the conservation of water within the state and will  
not be detrimental to the public welfare of the state. The

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1 application may be granted only after such advertisement and  
2 hearing as are prescribed in the case of original applications.

3 B. When the owner of a water right applies for a  
4 temporary change of not to exceed one year for not more than  
5 three acre-feet of water to a different location or to a  
6 different use, or both, the state engineer shall make an  
7 investigation and, if the change does not permanently impair  
8 any vested rights of others, [~~he~~] the state engineer shall  
9 enter an order authorizing the change. If [~~he~~] the state  
10 engineer finds that the change sought might impair vested  
11 rights, [~~he~~] the state engineer shall order advertisement and  
12 hearing as in other cases.

13 C. If objections or protests have been filed within  
14 the time prescribed in the notice or if the state engineer is  
15 of the opinion that the permit should not be issued, the state  
16 engineer may deny the application or, before [~~he acts~~] acting  
17 on the application, may order that a hearing be held. [~~He~~] The  
18 state engineer shall notify the applicant of [~~his~~] the action  
19 by certified mail sent to the address shown in the application.

20 D. A person may change the point of diversion of  
21 water diverted from a well permitted for domestic purposes  
22 pursuant to Section 72-12-1.1 NMSA 1978, or a well permitted  
23 before June 20, 2003 for the same purposes pursuant Section  
24 72-12-1 NMSA 1978, into a well owned and operated by a  
25 community water association organized pursuant to the Sanitary

.164938.1

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1 Projects Act or the Water and Sanitation District Act, provided  
2 that the well is located within the service area of the water  
3 association. The change shall be made upon application to the  
4 state engineer and upon a showing that the change will not  
5 impair existing rights and will not be contrary to conservation  
6 of water within the state and will not be detrimental to the  
7 public welfare of the state. The application may be granted  
8 only after notice and opportunity for hearing are provided as  
9 prescribed by Subsection D of Section 72-12-3 NMSA 1978."

10 Section 2. EFFECTIVE DATE.--The effective date of the  
11 provisions of this act is July 1, 2007.